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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GROUP 130

In re application of:

HAROLD A. McMASTER ET AL.

Serial No. 08/002,090

Group Art Unit: 1303

Filed: January 8, 1993

Examiner: J. Woodard

For: GLASS SHEET BENDING AND TEMPERING APPARATUS

Attorney Docket No. GLT 1362-R

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on

April 12, 1994

Date of Deposit

by Earl J. LaFontaine

Registered Attorney

Signature

**DECLARATION AND POWER OF ATTORNEY**

**THIRD SUBSTITUTE REISSUE DECLARATION**

Hon. Commissioner of Patents and Trademark  
Washington, D.C. 20231

Sir:

The undersigned applicants for reissue, Harold A. McMaster, 9902 Sheffield Road, Perrysburg, Ohio 43551; Norman C. Nitschke, 29737 E. River Road, Perrysburg, Ohio 43551; Dexter H. McMaster, 1070 Elm Street, Perrysburg, Ohio 43551; and Ronald A. McMaster, 315 E. Front Street, Perrysburg, Ohio 43551 declare that:

- 1) We are citizens of the United States of America and residents of the State of Ohio;
- 2) We believe ourselves to be the original, first and joint inventors of the invention described and claimed in Letters Patent No. 4,883,527 and in the above-identified reissue application and for which we solicit a reissue patent;
- 3) We do not know and do not believe that said invention was ever used before our invention thereof;

4) We believe said patent to be wholly or partly inoperative or invalid by reason of insufficiency in the claims by claiming less than we had the right to claim in said patent in that:

- a) After the issuance of the '527 patent, and through sales people of Glasstech, Inc., the assignee of the patent, we became aware of a competing machine; *when*
- b) The competitor who manufactured the competing machine was contacted and they forwarded to us at Glasstech U.S. Patent No. 5,009,693, issued to Kenneth Freidel et al on April 23, 1991, and assigned to Muirfield Holdings, L.P. expressing that the competing machine was covered by this patent; *when*
- c) We forwarded the '693 patent to Christopher J. Fildes, the patent attorney who prepared the application for which reissue is here sought and requested his review; *when*
- d) After his review, Mr. Fildes informed us that Glasstech, Inc. was entitled to broader claim coverage because Muirfield Holdings, L.P. had obtained patent protection on the invention disclosed in the specification of the '527 patent;
- e) Mr. Fildes also informed us that he had read the specification of the '527 patent to determine what subject matter would be identified by one skilled in the art reading the specification as supporting such broader claims invented and disclosed by the patentees; and had concluded that all the claims of the '527

patent had included, "apparatus comprising. . .first platen being deformable and including an actuator for deforming said platen from a planar shape to a bent shape; said first platen including quench openings throughout the extent thereof; said quench openings of the first platen being movable therewith during the deformation of the platen; a second platen having quench openings throughout the extent thereof and opposing the first platen in spaced relationship with the glass sheet therebetween; . . .and quenching gas being supplied to the quench openings of both platens and thereby to both sides of the glass sheet to temper the bent glass sheet between the platens." and that one object recited, "Another object of the invention is to provide an apparatus that has movable quench openings that move with the surfaces of the flat glass sheet to provide equal thermal conditions during tempering and a more uniformly tempered glass sheet." but that he had erred by including in such apparatus "glass bending" in the claims;

f) Mr. Fildes also informed us that he did not fully appreciate that the claims to the invention disclosed in the original patent were more limited than such object and thus were inconsistent with such object; and that he had thus concluded

*why*

that we had claimed less than we as the patentees had a right to claim and that g) Such insufficiency arose through error. 5. We also believe that after the issuance of said '527 patent certain departures from the original patent were made:

- a) On March 9, 1990, in a "MAKE OF RECORD" letter to correct printing errors at:
  - ✓ Col. 1, line 57 to change "twostep" to -- two step --;
  - ✓ Col. 2, line 14 to change "jointd" to -- jointed --;
  - ✓ Col. 3, line 36 to change "incldes" to -- includes --;
  - ✓ Col. 3, line 56 to change "separte" to -- separate --.
- b) On July 14, 1992, to amend claims 1, 15 and 16 by changing "quenching gas being supplied" to -- means for supplying quenching gas -- whereby to claim structure more distinctly,
- c) and that such changes and amendments arose through error.

6. That the foregoing errors arose without any deceptive intention on our part.

7. That we have read the Substitute Declaration of Christopher J. Fildes attached hereto and ratify its content. ✓

We, the undersigned Applicants for reissue, Harold A. McMaster, Norman C. Nitschke, Dexter H. McMaster and Ronald A. McMaster also hereby state that we have reviewed and understand the contents of the above-identified reissue application, including the claims, and acknowledge the duty to disclose information

that is material to the examination of the application under Section 1.56(a) of Title 37 of the Code of Federal Regulations.

The undersigned hereby appoint Ernie L. Brooks, Reg. No. 26,260; James A. Kushman, Reg. No. 25,634; and Earl J. LaFontaine, Reg. No. 30,766 to prosecute this reissue application and to transact all business in the Patent and Trademark Office connected therewith.

The undersigned declare further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: February 23, 1994 Harold A. McMaster  
HAROLD A. MCMASTER

Date: March 7, 1994

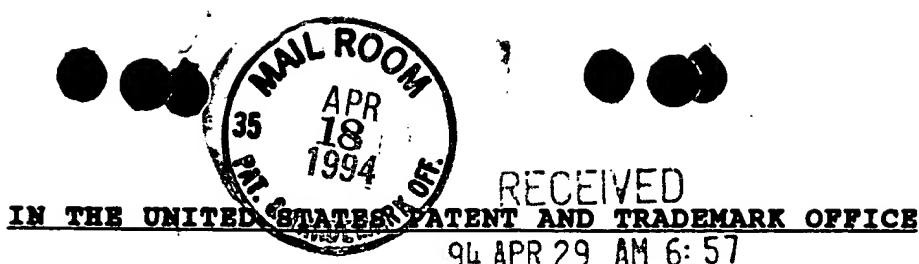
Norman C. Nitschke  
NORMAN C. NITSCHKE

Date: 14 March 94

Dexter H. McMaster  
DEXTER H. MCMASTER

Date: 03 MAR 94

Ronald A. McMaster  
RONALD A. MCMASTER



In re Reissue application of: GROUP 130  
HAROLD A. MCMASTER et al. Group Art Unit: 1303  
Serial No. 775,418 Examiner: R. Lindsay, Jr.  
Filed: October 15, 1991  
For: GLASS SHEET BENDING AND TEMPERING APPARATUS  
Attorney Docket No. GLT 1225 R

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on

12/9/92 by Christopher J. Fildes Signature  
Date of Deposit Registered Attorney

### SUBSTITUTE DECLARATION OF CHRISTOPHER J. FILDES

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

1). I, Christopher J. Fildes, say that I am the patent attorney who prepared the patent application associated with the invention described and claims in Letters Patent No. 4,883,527 and in the foregoing reissue application and for which a reissue patent is being solicited.

2). After the issuance of the '527 patent, sales people of Glasstech, Inc., the assignee of the patent, became aware of a competing machine.

3). The competitor who manufactured the competing machine was contacted and they forwarded to Glasstech U.S. Patent No. 5,009,693, issued to Kenneth Freidel et al on April 23, 1991, and assigned to Muirfield Holdings, L.P. expressing that the competing machine was covered by this patent.

4). The '693 patent was forwarded to me for my review.

5). I reviewed the file history of the '693 patent and the art cited therein.

6). After my review, I concluded that Glasstech, Inc. was entitled to broader claim coverage because Muirfield Holdings, L.P. had obtained patent protection on the invention disclosed in the specification of the '527 patent.

7). I also read the specification of the '527 patent to determine what subject matter would be identified by one skilled in the art reading the specification as supporting such broader claims invented and disclosed by the patentees.

8). It appeared to me that all the claims of the '527 patent had included, "apparatus comprising . . . first platen being deformable and including an actuator for deforming said platen from a planar shape to a bent shape; said first platen including quench openings throughout the extent thereof; said quench openings of the first platen being movable therewith during the deformation of the platen; a second platen having quench openings throughout the extent thereof and opposing the first platen in spaced relationship with the glass sheet therebetween; . . . and quenching gas being supplied to the quench openings of both platens and thereby to both sides of the glass sheet to temper the bent glass sheet between the platens." and that one object recited, "Another object of the invention is to provide an apparatus that has movable quench openings that move with the surfaces of the flat glass sheet to provide equal thermal conditions during tempering and a more uniformly tempered glass sheet." but that I erred by including in such apparatus "glass bending" in the claims.

the error  
how  
error  
more

9). That I did not fully appreciate that the claims to the invention disclosed in the original patent were more limited than such object and thus were inconsistent with such object; and that I thus concluded that I had claimed less than the patentees had a right to claim.

10). My failure to fully appreciate the true nature and scope of the invention disclosed in the original application was without fraudulent or deceptive intention, and arose from inadvertence, accident or mistake.

I also hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true and that I am aware that willful false statements and the like are punishable by fine or imprisonment or both (18 U.S.C. 1001) and may jeopardize the validity of this application or any patent resulting therefrom.

Respectfully submitted,

HAROLD A. MCMASTER et al

BROOKS & KUSHMAN

  
Christopher J. Fildes  
Registration No. 32,132  
1000 Town Center  
Twenty-Second Floor  
Southfield, Michigan 48075  
(313) 358-4400

Dated: December 9, 1992